

	U.S. ENVIRONMENTAL PROTECTION AGENCY Cooperative Agreement	GRANT NUMBER (FAIN): 98T17401	DATE OF AWARD 10/19/2020
		MODIFICATION NUMBER: 0 PROGRAM CODE: TA	
		TYPE OF ACTION New	MAILING DATE 10/26/2020
		PAYMENT METHOD: Advance	ACH# 90011
RECIPIENT TYPE: Special District		Send Payment Request to: US EPA RTP-Finance Center Email: rtpfc-grants@epa.gov	
RECIPIENT: South Coast AQMD 21865 E. Copley Drive Diamond Bar, CA 91765-4178 EIN: 95-3099419		PAYEE: South Coast AQMD 21865 E. Copley Drive Diamond Bar, CA 91765-4178	
PROJECT MANAGER Mei Wang 21865 E. Copley Drive Diamond Bar, CA 91765-4178 E-Mail: mwang@aqmd.gov Phone: 909-396-3257	EPA PROJECT OFFICER Vernese Gholson 75 Hawthorne Street, AIR-1-1 San Francisco, CA 94105 E-Mail: gholson.vernese@epa.gov Phone: 415-947-4200	EPA GRANT SPECIALIST Renee Chan Grants Branch, MSD-6 E-Mail: Chan.Renee@epa.gov Phone: 415-972-3675	
PROJECT TITLE AND DESCRIPTION Targeted Airshed Program - Demonstrate Ocean Going Vessel & Deploy Transit Buses The District will combine two projects to provide emission reductions in southern California: 1) Upgrade an Ocean Going Vessel to meet 75% reduced "ECA200" emission levels when near the San Pedro Bay Ports and surrounding Los Angeles-South Coast nonattainment area, and 2) Deploy several Zero-Emission Fuel Cell Transit Buses in the Riverside County (Coachella Valley) nonattainment area. This cooperative agreement provides full federal funding in the amount of \$17,321,301.			
BUDGET PERIOD 01/01/2021 - 12/31/2025	PROJECT PERIOD 01/01/2021 - 12/31/2025	TOTAL BUDGET PERIOD COST \$17,826,222.00	TOTAL PROJECT PERIOD COST \$17,826,222.00
NOTICE OF AWARD			
Based on your Application dated 09/01/2020 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$17,321,301. EPA agrees to cost-share 97.17% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$17,321,301. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.			
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)		AWARD APPROVAL OFFICE	
ORGANIZATION / ADDRESS U.S. EPA, Region 9 Grants Branch, MSD-6 75 Hawthorne Street San Francisco, CA 94105		ORGANIZATION / ADDRESS U.S. EPA, Region 9 Air and Radiation Division, AIR-1 75 Hawthorne Street San Francisco, CA 94105	
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY			
Digital signature applied by EPA Award Official Carolyn Truong - Grants Management Officer			DATE 10/19/2020

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 17,321,301	\$ 17,321,301
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$ 504,921	\$ 504,921
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 17,826,222	\$ 17,826,222

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.956 - Targeted Airshed Grant Program	National Environmental Policy Act: Sec. 102(2)(F) Further Consolidated Appropriations Act 2020 (P.L. 116-94)	2 CFR 200 2 CFR 1500 and 40 CFR 33

[illegible]

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$234,625
2. Fringe Benefits	\$134,863
3. Travel	\$14,599
4. Equipment	\$0
5. Supplies	\$0
6. Contractual	\$0
7. Construction	\$0
8. Other	\$17,128,921
9. Total Direct Charges	\$17,513,008
10. Indirect Costs: % Base <u>Indirect Cost Rate Proposal</u>	\$313,214
11. Total (Share: Recipient <u>2.83 %</u> Federal <u>97.17 %</u>)	\$17,826,222
12. Total Approved Assistance Amount	\$17,321,301
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$17,321,301
15. Total EPA Amount Awarded To Date	\$17,321,301

Administrative Conditions

General Terms and Conditions

The recipient agrees to comply with the current EPA general terms and conditions available at:
<https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-october-1-2020-or-later>.

These terms and conditions are in addition to the assurances and certifications made as a part of the award and the terms, conditions, or restrictions cited throughout the award.

The EPA repository for the general terms and conditions by year can be found at:
<https://www.epa.gov/grants/grant-terms-and-conditions#general>.

A. Federal Financial Reporting (FFR)

For awards with cumulative project and budget periods greater than 12 months, the recipient will submit an annual FFR (SF 425) covering the period from "project/budget period start date" to September 30 of each calendar year to the EPA Finance Center in Research Triangle Park, NC. The FFR will be submitted electronically to rtpfc-grants@epa.gov no later than December 30 of the same calendar year.

B. Procurement

The recipient will ensure all procurement transactions will be conducted in a manner providing full and open competition consistent with 2 CFR Part 200.319. In accordance 2 CFR Part 200.323 the grantee and subgrantee(s) must perform a cost or price analysis in connection with applicable procurement actions, including contract modifications.

State recipients must follow procurement procedures as outlined in 2 CFR Part 200.317.

C. Six Good Faith Efforts 40 CFR § 33, Subpart C /Contract Provisions /Bidders List

Pursuant to 40 CFR § 33.301, the recipient agrees to make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to require that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained:

(a) Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.

(b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.

(c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.

(d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.

(e) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.

(f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

CONTRACT ADMINISTRATION PROVISIONS, 40 CFR § 33.302

The recipient agrees to comply with the contract administration provisions of 40 CFR § 33.302 (a)-(d) and (i).

BIDDERS LIST, 40 CFR § 33.501(b) and (c)

Recipients of a Continuing Environmental Program Grant or other annual reporting grant, agree to create and maintain a bidders list. Recipients of an EPA financial assistance agreement to capitalize a revolving loan fund also agree to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR § 33.501 (b) and (c) for specific requirements and exemptions.

D. Disadvantaged Business Enterprise (DBEs) - UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES

GENERAL COMPLIANCE, 40 CFR, Part 33

The recipient agrees to comply with the requirements of EPA's Disadvantaged Business Enterprise (DBE) Program for procurement activities under assistance agreements, contained in 40 CFR, Part 33 except as described below based upon the associated class deviation.

EPA MBE/WBE CERTIFICATION, 40 CFR, Part 33, Subpart B

A class exception to the following provisions of Subpart B of 40 CFR Part 33 has been issued suspending the EPA MBE/WBE certification program: §33.204(a)(3) providing that an entity may apply to EPA MBE or WBE certification after unsuccessfully attempting to obtain certification as otherwise described in §33.204; and §33.205 through and including §33.211. The class exception was authorized pursuant to the authority in 2 CFR §1500.3(b).

FAIR SHARE OBJECTIVES, 40 CFR, Part 33, Subpart D

A class exception to the entire Subpart D of 40 CFR Part 33 has been authorized pursuant to the authority in 2 CFR §1500.3(b). Notwithstanding Subpart D of 40 CFR Part 33, recipients are not required to negotiate or apply fair share objectives in procurements under assistance agreements.

E. MBE/WBE Reporting – Reporting Condition

General Compliance, 40 CFR Part 33, Subpart E

MBE/WBE reporting is required annually for assistance agreements where there are funds budgeted for procuring construction, equipment, services and supplies, including funds budgeted for direct procurement by the recipient or procurement under sub-awards or loans in the "Other" category that exceed the Simplified Acquisition Threshold as defined by the Federal Acquisition Regulation (currently set at \$250,000), including amendments and/or modifications.

Based on EPA's review of the planned budget, this award has the potential to meet the conditions above and may be subject to the Disadvantaged Business Enterprise (DBE) Program reporting requirements. While the recipient's direct procurement budget is less than the Simplified Acquisition Threshold, procurement within the planned sub-awards included in the "other" category may cause the threshold to

be exceeded. Since it is unclear at the time of this award whether funds budgeted in the “other” category triggers reporting, the recipient must make reporting a requirement of all sub-awards/loans and use these reports to determine whether recipient reporting is necessary. If cumulative funds budgeted or expended during the period of the agreement exceed the Simplified Acquisition Threshold amount, the recipient is required to submit a “MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements” report (EPA Form 5700-52A) on an annual basis. All procurement actions are reportable, not just that portion that exceeds the Simplified Acquisition Threshold amount.

If the recipient believes this award does not meet these conditions, it must provide GrantsRegion9@epa.gov and the assigned grants specialist with a justification and budget detail within 21 days of the award date clearly demonstrating that, based on the planned budget, this award is not subject to the DBE reporting requirements.

When completing the annual report, recipients are instructed to check the box titled “annual” in section 1B of the form. For the final report, recipients are instructed to check the box indicated for the “last report” of the project in section 1B of the form. Annual reports are due by October 30th of each year. Final reports are due by October 30th or 90 days after the end of the project period, whichever comes first.

The reporting requirement is based on total procurements. Recipients with expended and/or budgeted funds for procurement are required to report annually whether the planned procurements take place during the reporting period or not. If no budgeted procurements take place during the reporting period, the recipient should check the box in section 5B when completing the form.

MBE/WBE reports should be sent to GrantsRegion9@epa.gov and the assigned grants specialist. The current EPA Form 5700-52A is located at <https://www.epa.gov/grants/epa-form-5700-52a-united-states-environmental-protection-agency-minority-business>.

This provision represents an approved deviation from the MBE/WBE reporting requirements as described in 40 CFR, Part 33, Section 33.502.

Programmatic Conditions

See Attached 'SCAQMD TA98T17401-0 FY-20 Programmatic T-Cs OGV Fuel Cell Transit Bus 10-14-2020'.



SCAQMD TA98T17401-0 FY20 Programmatic T-Cs OGV Fuel Cell Transit Bus 10-16-2020.docx

-- End of Agreement --